IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No.2843 of 2005

Between:

P.M. Ravikumar Babu S/o. P.M. Prabhakar Rao
Non-Conventional Energy Development Corporation of Andhra Pradesh Limited, R/o. 16/382, Gajula Street, Masapet, Kadapa.

..... PETITIONER

AND

The Managing Director, Non-Conventional Energy Development Corporation of Andhra Pradesh Limited,Regd. Office: 5-8-207/2,

Pisgah Complex, Nampally, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondent in not paying the salaries for the interegnum period from 18-4-1994 to 7-6-2004 on which the enquiry officer has been appointed, despite setting-aside the termination order by the Judgment of this Hon'ble Court in W.P.No.11784 of 1994 dt. 26-3-2004 and also in not paying the subsistence allowance for the period from 8-6-2004 to till the completion of enquiry proceedings as illegal, arbitrary, unconstitutional and consequently direct the respondent to pay the same forthwith.

Counsel for the Petitioner:MR.VENKAT REDDY THIPPARTHI

Counsel for the Respondent: MR.G.BHASKAR RAO

The Court at the admission stage made the following O R D E R:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondent in not paying the salaries for the interregnum period from 18.04.1994 to 07.06.2004 and also in not paying the subsistence allowance from 08.06.2004 till the completion of enquiry proceedings as illegal and arbitrary.

The respondent through order dated 07.05.2004 appointed an enquiry officer to conduct departmental enquiry as per CCA Rules with regard to the irregularities alleged to have been committed by the petitioner.

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

The issue regarding payment of salary is required to be decided by the disciplinary authority after completion of the enquiry. Therefore, the request of the petitioner for payment of salary from 18.04.1994 to 07.06.2004 cannot be decided now in this writ petition. The other grievance of the petitioner is that after 08.06.2004, the respondents are not paying subsistence allowance to him. There cannot be any dispute in payment of subsistence allowance as it is a matter of right of a suspended employee.

In the result, the writ petition is partly allowed directing the respondent to pay subsistence allowance to the petitioner in accordance with the bye-laws within a period of six weeks from the date of receipt of a copy of this order. No costs.

17.02.2005

usd

To

1. The Managing Director, Non-Conventional Energy

Development Corporation of Andhra Pradesh

Limited,Regd. Office: 5-8-207/2, Pisgah Complex, Nampally,

Hyderabad.

2 Two CD copies.